

REMARKS

Claims 1-27, 40, 41, 58-60, 69-71, 78-88, 90-95, 98, and 109-115 are allowed in this application.. Claims 116-128 are rejected, as before, on the grounds that certain omitted limitations constitute added new matter. The rejections are traversed.

Claims 116-127 are canceled. Claim 128 is amended. No new matter is added. Reconsideration and allowance of all pending claims are requested.

Applicants thank the Examiner for the productive telephone conference between Examiner Paul Marcantoni and their undersigned counsel on March 19, 2003. In that conference, claim 128 as amended hereby was discussed as being patentable without limitation as to the dispensed surfactant-containing solution. Applicants and Examiner agreed that no such limitation was necessary since one of ordinary skill in the art (in view of the cited background art and other knowledge imputed thereto) would have understood from the original Bruinsma disclosure that alternatives to the "preferred" ammonium cationic surfactant would have been known to work in the film-by-process claim that includes the recited dispensing, forming, heating and calcining steps. Moreover, applicants have substantially adopted the Examiner's suggestions regarding the two-step heating process as involving the heating and calcining steps now recited in amended claim 128.

More specific to the reasons for allowance, claim 128 as amended is amply supported in the specification, is in general agreement with the Examiner's suggestions and clearly meets both definiteness and enablement requirements. No one of ordinary skill in the art would credibly argue that which is undisputed: Many surfactants, catalysts and solvents could be combined with a silica-based precursor to make the claimed film structure. (Refer to Dr. Berg's expert declaration of record and Background citations.) The heating step is supported at column 8, line 5, despite the more specific reference in the examples to 105°C, since obviously one could just as easily heat at 95°C, for example, for a longer time, or at 115°C for a shorter time. The important thing of course is that any residual solvent be substantially removed in the first heating step, as disclosed and recited. The second calcining step recites precisely the minimum disclosed temperature range for calcining set forth in the examples.

Accordingly, applicants submit that amended claim 128 is allowable. In order to obtain reissuance of the Bruinsma patent, applicants hereby cancel claims 116-127, without prejudice, thereby rendering their rejections moot.

CONCLUSION

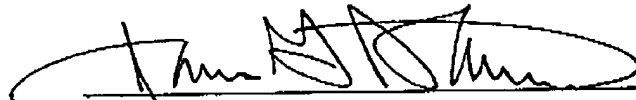
For the foregoing reasons allowance of all pending claims of the application is solicited, and issuance forthwith of a Notice of Allowance and Reissue Certificate of the Bruinsma patent is requested. Please contact the undersigned at (503) 222-3613 if there are any further questions or issues.

**20575**

PATENT TRADEMARK OFFICE

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


James G. Stewart
Reg. No. 32,496

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613

FAX RECEIVED
MAR 31 2003
GROUP 1700